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edge derived from witnesses in open court. The jurors are thus both givers and weighers of evidence. Not until the latter half of the fifteenth century were the two classes separated and the principle established that jurors are not to be prejudiced by previous knowledge of facts. Thus from being primarily givers of evidence, they came to be only weighers of evidence.

Lastly, in regard to the nature of this evidence. At the first all kinds of evidence might be given; all through the period when the jury proceeded on their own knowledge they listened to perfectly unsupported narration of fact from counsel not under oath. There was no sifting of evidence nor cross-examination. No control was attempted until the last half of the fourteenth century, and even in the sixteenth and seventeenth centuries juries were allowed to act on their own private knowledge and on documents not known to the court or to the parties. A new trial seemed the only effective way of correcting errors.

It is hoped that this brief outline will show the importance and interest of the subject and turn the attention of many to its scholarly treatment in this little volume.

CHARLES L. WELLS.

Les Gildes Marchandes dans les Pays-Bas au Moyen Age. Par HERMAN VANDER LINDEN. [Recueil de Travaux publiés par la Faculté de Philosophie et Lettres de l'Université de Gand, 15^e Fascicule]. (Gand, 1896. Pp. viii, 126.)

THOUGH much has been written in recent years on the functions of the gild merchant and its influence upon municipal development by Hegel, Doren, Von Below and others, every special investigation of the subject as regards some particular country or region is welcome. Historians still maintain divergent views concerning the relations of the gild merchant to the craft fraternities and concerning its influence upon the origin of the municipal constitution. The questions at issue cannot be definitely settled until we have more data, more documentary material like that which we find in Professor Vander Linden's scholarly monograph.

He believes that this gild originated spontaneously, that it did not emanate from any earlier institution. In the eleventh century there was an expansion of trade and industry; the number of merchants increased, and they felt the need of organization to protect their common interests. There are two periods in the history of the gild merchant in the Netherlands. In the first period, from the eleventh to the thirteenth century, this gild was a private association, having no public functions; it was open to all merchants, and even artisans were admitted to membership; in fact, during the twelfth century, it was considered desirable to secure as many members as possible. In the second period, which begins in the thirteenth century, the gild merchant had the monopoly of the principal branch or branches of commerce in the town, and became a public

body, forming an intergal part of the town government (*un corps politique, une rouage de l'administration urbaine*); it thus lost its old autonomy, and was made subordinate to the authority of the municipal magistrates. At the same time, it became more exclusive as regards its membership, and exercised a rigid supervision over the organization of labor and over the crafts connected with the chief industry of the town, especially the cloth trade, for in most places the gild merchant comprised the cloth merchants. The craftsmen and small tradesmen were gradually excluded from membership; but in some towns, after the latter part of the thirteenth century, the democratic movement enabled the crafts to assert their rights and to throw off or diminish the irksome control of the gild merchant. In the fourteenth century the latter tended to disappear or to merge its identity in the town government, as was the case in England; thus, in many places, its functions were absorbed by the municipal council.

Professor Vander Linden seems to distinguish too sharply the two periods in the history of the gild. The mention of this institution in charters granted to Rouen and St. Omer, in the first half of the twelfth century, and to Dordrecht in 1201, indicates that the gild merchant was a "*rouage*" or integral part of the town administration in the first period of development. Probably the dearth of documentary material for the twelfth century makes the gild appear to play a less conspicuous rôle then than in the thirteenth century. Another vulnerable point in Professor Vander Linden's excellent book is his account of the origin of the Hanse of London in Chapter II. We know very little concerning this commercial league, and Professor Vander Linden's contribution to our knowledge of the subject is welcome, but his theory that the Hanse of London was a mere expansion of the gild of Bruges is not supported by sufficiently convincing arguments.

The last chapter of the book contains a good account of the political rôle of the gild merchant. Our author shows that the municipal constitution in the Netherlands did not emanate from the gild: "*nulle part la gilde n'a fourni la cadre de la constitution urbaine.*" Though the gild became a public organ of government and exerted great influence in the administration of the municipality, it remained under the control of the town council. Though the municipal magistrates were usually members of the gild and sought to promote its interests, gild officers and town officers, gildsmen and burgesses, *guldenrecht* and *stadrecht* were at the outset, and continued to be, distinct conceptions.

CHARLES GROSS.

Armada Española desde la Unión de los Reinos de Castilla y de León.

By CESAREO FERNANDEZ DURO. Vol. I. (Madrid: "Sucesores de Rivadeneyra." 1895. Pp. 476.)

CAPTAIN DURO needs no introduction to students of naval history. The claim which he makes for the present work, the first volume of